## REMARKS

Claims 1-20 are pending in the present application.

Claims 1-20 were amended. Reconsideration of the claims is respectfully requested.

A change of correspondence address has been filed relating to this application since the mailing date of the Office Action. The Examiner's assistance is respectfully requested in ensuring that subsequent correspondence related to this application is directed to:

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## 35 U.S.C. § 102 (Anticipation)

Claims 1-2 and 4-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Davis*. This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent claims 1, 10, and 18 each recite that selected review information relating to one

or more stored wireless messages directed to the subscriber is forwarded to the subscriber in response to the message retrieval request. Such a feature is not shown or suggested by the cited reference. *Davis* teaches delivery only of the entire wireless message (and attachments) in response to a message retrieval request, not delivery of only selected review information relating to the message, and delivery of only a single message in response to the message retrieval request, not delivery of selected review information relating to more than one stored wireless message. *Davis*, column 4, lines 22-59.

Claims 2 and 11 each recite that wireless messages for a subscriber are stored in the database, within a data record associated with the subscriber, regardless of whether the messages are successfully delivered to the paging device for the subscriber. In this manner, wireless messages are available for retrieval and review by the subscriber independent of whether the message was received by the subscriber or missed. Such a feature is not shown or suggested by the cited reference. *Davis* discloses a system for delivering messages in which lengthy messages or messages with attachments are delivered to a special combined pager/cordless telephone transceiver 40 by being queued in temporary message storage, with retrieval triggered by a predetermined page. *Davis* thus teaches storing only messages which have not yet been delivered to the subscriber, and only messages which are lengthy and/or accompanied by attachments.

Claims 2 and 17 each recite that <u>each</u> message is stored in the database <u>after</u> RF transmission of the message to the paging device (regardless of whether RF transmission is successfully received by the paging device). Such a feature is not shown or suggested by the cited reference. *Davis*

teaches that only lengthy messages or messages with attachments are stored, and are stored during the course of RF transmission to the pager/cordless telephone transceiver 40, not after RF transmission.

Claims 3, 11 and 19 each recite that only selected fields from stored wireless messages are sent to the subscriber in response to the initial retrieval request. Such a feature is not shown or suggested by the cited reference. *Davis* contains no teaching or suggestion regarding partial retrieval of messages.

Claims 4, 12 and 20 each recite that complete (selected) stored messages are subsequently sent to the subscriber only in response to a request for the complete stored message for the selected stored messages. Such a feature is not shown or suggested by the cited reference. *Davis* contains no teaching or suggestion regarding complete message retrieval request in addition to (initial) message retrieval requests.

Claims 7 and 15 each recite that response messages to stored messages are stored in association with the stored messages within the data record/database. Such a feature is not shown or suggested by the cited reference. *Davis* contains no teaching or suggestion regarding response messages.

Claims 8 and 16 each recite that, when a stored message has not been successfully delivered to the subscriber's paging device by RF transmission (e.g., the paging device has been turned off or the subscriber has been out of the paging service area) and the subscriber retrieves the stored message, the subscriber may optionally cancel future efforts to deliver the stored message to the

paging device by RF transmission. Such a feature is not shown or suggested by the cited reference. *Davis* contains no teaching or suggestion of canceling delivery of a queued message.

Therefore, the rejection of claims 1-2 and 4-20 under 35 U.S.C. § 102 has been overcome.

**35 U.S.C. § 103 (Obviousness)**

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Davis* in view of *Pepe et al.* This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781,

783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

As noted above, claim 3 includes feature not shown or suggested by *Davis*: sending only selected fields from stored wireless messages to the subscriber in response to the initial retrieval request. Such a feature is also not shown or suggested by *Pepe et al*.

Therefore, the rejection of claim 3 under 35 U.S.C. § 103 has been overcome.

## AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE

Claims 1-20 were amended herein as follows:

1. (amended) For use in a wireless messaging system, a message distribution system capable of allowing a subscriber of said wireless messaging system to review stored wireless messages sent to said subscriber comprising:

a first I/O interface capable of receiving, from said subscriber, a message retrieval request [from said subscriber]for messages directed to said subscriber;

a message retrieval controller coupled to said first I/O interface capable of

determining an identity of said subscriber from identification data contained in said message retrieval request,

[retrieving]accessing a data record associated with said subscriber, said data record containing one or more of said stored wireless messages, and

transferring to said subscriber [one or more] selected [portions of]review information related to at least one of said stored wireless messages.

2. (amended) The message distribution system set forth in Claim 1 further comprising an interface to a database coupled to said message distribution system and capable of storing [said stored] wireless messages which are directed to said subscriber independent of whether said wireless messages have been delivered to said subscriber, wherein each wireless message directed to said subscriber is stored in said database after transmission of said wireless message for reception by a paging device for said subscriber, regardless of whether said wireless message was received by said wireless paging device.

3. (amended) The message distribution system set forth in Claim 1 wherein said message distribution system [requires said subscriber to enter a password prior to transferring]initially transfers only one or more selected fields from at least one stored message within said data record to said subscriber [said one or more selected portions of said at least one of said stored wireless messages]in response to said message retrieval request, wherein said one or more selected fields form said selected review information relating to said at least one stored wireless message.

4. (amended) The message distribution system set forth in Claim [1]3 wherein [said first I/O interface is capable of receiving a wireless message directed to said subscriber]said message distribution system transfers all of a selected stored message to the subscriber in response to receiving a complete message request from said subscriber requesting all of said selected stored message.

5. (amended) The message distribution system set forth in Claim [4]1, wherein said first I/O interface is capable of receiving a wireless message directed to said subscriber, said message distribution system further comprising a second I/O interface capable of sending said received wireless message to an RF transceiver facility operable to transmit said received wireless message to a paging device of said subscriber.

6. (amended) The message distribution system set forth in Claim [4]5, further comprising an incoming wireless message controller capable of determining an identity of said subscriber from identification data contained in said received wireless message, wherein said message distribution system requires said subscriber to enter a password prior to transferring said selected review information relating to said at least one stored wireless message to said subscriber.

7. (amended) The message distribution system set forth in Claim 5 wherein said message distribution system is capable of receiving from said RF transceiver facility a response message responsive to a transmission of said received wireless message to said paging device, wherein said response message is stored within said data record in association with said received wireless message.

8. (amended) The message distribution system set forth in Claim [1]5 wherein, when said wireless message received through said first I/O interface has not yet been successfully delivered to said paging device via said RF transceiver facility and said selected review information relating to said received wireless message is transmitted to said subscriber in response to said message retrieval request[ is received from a public telephone system], said subscriber may selectively cancel any subsequent attempt to deliver said received wireless message said RF transceiver facility.

9. (amended) The message distribution system set forth in Claim 1 wherein said message retrieval request is received from

a public telephone system, or

a data processing system coupled to a wide area data network.

10. (amended) A wireless messaging system comprising:

a plurality of RF transceiver facilities capable of transmitting and receiving wireless messages to and from paging devices used by subscribers of said wireless messaging system;

a message distribution system capable of allowing a subscriber of said wireless messaging system to review stored wireless messages sent to said subscriber comprising:

a first I/O interface capable of receiving, from said subscriber, a message retrieval request [from said subscriber]for messages directed to said subscriber; and

a message retrieval controller coupled to said first I/O interface capable of determining an identity of said subscriber from identification data contained in said message retrieval request, [retrieving]accessing a data record associated with said subscriber, said data record containing one or more of said stored wireless messages, and transferring to said subscriber [one or more] selected [portions of]review information relating to at least one of said stored wireless messages; and

a database coupled to said message distribution system capable of storing said stored wireless messages.

11. (amended) The wireless messaging system set forth in Claim 10 wherein said message distribution system [requires said subscriber to enter a password prior to transferring]initially transfers only said selected review information relating to said one or more selected stored messages within said data record to said subscriber [said one or more selected portions of said at least one of said stored wireless messages]in response to said message retrieval request and wherein said database contains wireless messages directed to said subscriber regardless of whether said wireless messages have been delivered to said subscriber.

12. (amended) The wireless messaging system set forth in Claim [10]11 wherein said [first I/O interface is capable of receiving a wireless message directed to said subscriber]message distribution system transfers all of a selected stored message to said subscriber in response to receiving a complete message request from said subscriber requesting all of said selected stored message.

13. (amended) The wireless messaging system set forth in Claim [12]10, wherein said first I/O interface is capable of receiving a wireless message directed to said subscriber, said message distribution system further comprising a second I/O interface capable of sending said received wireless message to an RF transceiver facility operable to transmit said received wireless message to a paging device of said subscriber.

14. (amended) The wireless messaging system set forth in Claim [12]13 further comprising an incoming wireless message controller capable of determining an identity of said subscriber from identification data contained in said received wireless message, wherein said message distribution system requires said subscriber to enter a password prior to transferring said one or more selected portions of said at least one stored wireless message to said subscriber.

15. (amended) The wireless messaging system set forth in Claim 13 wherein said message distribution system is capable of receiving from said RF transceiver facility a response message responsive to a transmission of said received wireless message to said paging device, wherein said response message is stored within said data record associated with said subscriber in association with said received wireless message.

16. (amended) The wireless messaging system set forth in Claim [10]13, wherein, when said wireless message received through said first I/O interface has not yet been successfully delivered to said paging device via said RF transceiver facility and said selected review information relating to said received wireless message is transmitted to said subscriber in response to said message retrieval request[ is received from a public telephone system], said subscriber may selectively cancel any subsequent attempt to deliver said received wireless message via said RF transceiver facility.

17. (amended) The message distribution system set forth in Claim 10 wherein [said message retrieval request is received from a wide area data network]each wireless message directed to said subscriber is stored in said database after RF transmission of said wireless message for reception by a paging device for said subscriber, regardless of whether said wireless paging device receives said wireless message.

18. (amended) For use in a wireless messaging system, a method for allowing a subscriber of the wireless messaging system to view on a display device stored wireless messages sent to the subscriber comprising the steps of:

receiving a message retrieval request from the subscriber for wireless messages directed to the subscriber;

determining an identity of the subscriber from identification data contained in the message retrieval request;

[retrieving]accessing a data record associated with the subscriber, the data record containing one or more of the stored wireless messages sent to the subscriber; and

transferring [to the subscriber one or more] selected [portions of]review information relating to at least one of the stored wireless messages to the subscriber.

19. (amended) The method set forth in Claim 18[ including the further step of requiring the subscriber to enter a password prior to transferring to the subscriber the one or more selected portions of the at least one stored wireless messages], wherein the step of transferring selected review information relating to at least one of the stored wireless messages to the subscriber further comprises:

transferring only selected fields from one or more stored wireless messages to the subscriber in response to receiving the message retrieval request, wherein the selected fields form the selected review information relating to the one or more stored wireless messages.

20. (amended) The method set forth in Claim [18 including the]19, further [steps of]comprising:

receiving from the subscriber a complete message retrieval request for all of a selected stored wireless message; and

in response thereto, transferring to the subscriber all of [a]the selected [one of the at least one] stored wireless [messages]message.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***dvenglarik@novakov.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Novakov Davis - PageMart Deposit Account No. 50-0302.

Respectfully submitted,

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